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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,280	04/30/2001	Frank Thomas		3073

27162 7590 10/04/2005

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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT PAPER NUMBER

3711

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,280

Applicant(s)

THOMAS, FRANK

Examiner

Sebastiano Passaniti

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-25 is/are allowed.
- 6) ☒ Claim(s) 1-4, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This Office action is responsive to communication received 07/08/2005 –  
Amendment.

Claims 1-27 remain pending.

Following is an action on the MERITS:

As an aid to the applicant for following the current rejection and considering that a substantial portion of the previous rejection from the last Office action is being repeated here, those portions of this rejection newly added since the last rejection are being set forth in bold print italics.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reach in view of JP Patent No. 405329233 (Applicant Seisaku; Inventor Shoichi Tateishi), Long ('478), White ('8540 and McDougal ('967). At the outset, it is noted that, as was the case during earlier prosecution of this application (prior to the filing of an RCE), the JP Patent noted in this rejection will simply be referred to as "Seisaku". Reach shows the invention substantially as claimed and includes an alignment means extending along a portion of the top surface of the head and continuing along onto the hosel segment. The alignment means is in the form of a line

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that is generally parallel to a plane containing the striking face. Reach, however, does not show a portion of the line extending on the surface of the shaft, whereby a portion of the line extending along a surface of the head and a portion of the line extending along a surface of the shaft are disposed in a common plane with respect to the longitudinal axis of the shaft and parallel to a plane containing the striking face. ***Moreover, Reach does not show a line extending across the head perpendicularly and co-planar of the alignment means and at a point where the center of mass of the head is located.*** The Japanese reference to Seisaku shows it to be old in the art to include an alignment means in the form of a line-shaped piece of tape along the shaft in a direction that is parallel to the face of the putter. In both Reach and Seisaku, the intent is to provide a golfer standing at address with the ability to more readily align the striking face with a ball and the target. In essence, the tape in the Seisaku device is aligned in a perpendicular fashion with respect to an imaginary line that extends to a target point on the green. Thus, the face in the Seisaku device is naturally also aligned in a perpendicular fashion with respect to the same imaginary line. This is clearly evident from Figures 1 and 8 in Seisaku. Taken as a whole, the references to Reach and Seisaku collectively teach that an alignment means such as a line may be placed along a path parallel to the plane of the striking face to help a player orient the club at address. It would appear that alignment is facilitated by either a line on a combination of the head and hosel segments of the head or a line on the shaft itself. Clearly, placing the alignment means on both the head and the shaft merely enhances the alignment effect. Either design for the line would appear to equally provide an appropriate visual

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alignment tool, which a golfer may use to properly place the putter head with respect to a golf ball at address. In view of the patent to Seisaku and the above reasoning, it would have been obvious to modify the device in the cited reference to Reach by extending the line (c) along the shaft (b), the motivation being to simply enhance the effect of the alignment means. Specific to claim 27, Seisaku clearly obviates the use of a flat striking face in a vertical plane. Again, see Figures 2 and 8 in Seisaku. ***Specific to the newly added limitations in claims 1 and 26, which detail a line extending across the head perpendicularly and co-planar of the alignment means and at a point where the center of mass of the head is located, attention is drawn to the further teaching references to Long, White and McDougal. In each of these teaching references, the top surface of the head is provided with two lines oriented at substantially right angles to one another, with one line in substantially parallel relation to a plane containing the striking face and with a second line extending perpendicularly to the first line and located in the same plane as the first line. Each teaching reference indicates that this dual arrangement of lines helps a golfer to more accurately position a golf ball with respect to the putter head face and with respect to the intended direction of the target. Note lines (46, 48) and the description of the orientation of these lines in column 4, lines 30-40 in the prior art reference to Long. Here, line (46) is clearly contained within a plane that is oriented perpendicular to the plane of the striking face, with said plane containing the center of mass (50). In the prior art reference to White, observe line (35), which is perpendicularly oriented and coplanar to line (34), and is further***

*located so as to be located directly above the center of gravity of the putter head (col. 2, lines 45-53). Looking at McDougall, one notes that line (9) is located perpendicularly and coplanar to line (10) so that a player may more accurately line up a putt (page 1, col. 1, lines 15-26 and page 2, col. 2, lines 20-24). In view of the patents to Long, White and McDougal, it would have been obvious to further modify the device in the cited art reference to Reach by supplementing the sighting line indicia ( c ) with a line that is extending across the head perpendicularly and co-planar of the sighting line ( c ) and at a point where the center of mass of the head is located, the motivation being to assist a golfer to more accurately position the golf ball at address.*

***Allowable Subject Matter***

Claims 5-25 STAND allowable over the prior art references of record.

***Response to Amendment***

Applicant's arguments with respect to claims 1-4, 26 and 27 have been considered but are moot in view of the new ground(s) of rejection.

***Further prior art of interest***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note lines (52, 54) and col. 4, line 59 through col. 5, line 5 in Byrne.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

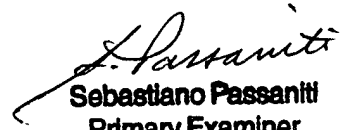
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.Passaniti/sp  
September 29, 2005

  
**Sebastiano Passaniti**  
Primary Examiner